"ARISING OUT OF AND IN COURSE OF EMPLOYMENT."[1]

Perhaps no expression made use of in compensation laws has been the subject of more consideration and discussion by administering boards and law courts than that which constitutes the subject of this paper.

People sometimes say that the modern compensation law provides for compensation in case of all work accidents regardless of the question of negligence, and that probably is the general conception of the law, but in 39 out of the 48 jurisdictions on this continent (i. e., 40[2] in the United States and 8 in Canada) where a workman's compensation law is in force there is ingrafted upon the more general expression of the law the provision that an accident to entitle a workman to compensation must have happened in course of and must also have arisen out of his employment.

The eight jurisdictions whose laws do not include this expression are Ohio, Pennsylvania, Texas, Washington, West Virginia, Wisconsin, Wyoming, and the United States.

I will briefly state the expressions used in the laws of these States in lieu of the uniform wording of the other laws in this respect:

Ohio: "All injuries not self-inflicted received in course of employment."

Pennsylvania: "Injury by accident in course of employment."

Texas: "Personal injury sustained in course of employment."

Washington: "Personal injury whether received upon the premises or at the plant or in the course of employment while away from the establishment."

West Virginia: "All personal injuries not the result of willful misconduct or intoxication of employee or self-inflicted."

Wisconsin: "Personal injury while performing service grow-

1. Address before the International Association of Industrial Accident Boards and Commissions, at Madison, Wis., Sept. 24-27, 1918, by George A. Kingston, Commissioner Workmen's Compensation Board of Ontario.

2. Including Alaska and the Federal Government.

ing out of and incidental to the employment, not intentionally self-inflicted."

Wyoming: "Personal injuries as a result of employment and not due to culpable negligence of injured employee or to the willful act of a third person due to reasons personal to such employee or because of his employment."

United States: "Personal injury sustained while in the performance of duty."

It will be readily seen that in a number of cases this expression "Arising out of and in course of employment" substantially modifies the general principle that all work accidents are compensable regardless of negligence or fault on the part of the workman.

These may be conveniently enumerated under the following headings:

1. Street accidents.
2. Accidents while going to or from work.
3. Injuries due to scuffling, larking, or horseplay.
4. Accidents, as sometimes stated in legal textbooks, caused by the act of God or the country's enemies.
5. Injuries arising out of attempted robbery, fighting, assault, murder, or suicide.
6. Disabilities due to frostbite or heat stroke.
7. Accidents occurring during moments of leisure or while doing something of a personal nature or out of curiosity.
8. Camp accidents.
9.[3] Accidents resulting in the aggravation of a preexisting diseased condition, or extraordinary conditions amounting almost to accident resulting in disease, as e. g., pneumonia resulting from exposure.
10.[3] Accidents due to disobedience of rules.
11.[3] Hernia, lumbago, and strain cases.

One could go almost indefinitely classifying occurrences which seem to fall outside the commonly accepted idea of "work accident," but the above list comprises the great bulk of cases pre-

3. Consideration of decisions under this head is not included in this paper.

senting problems which administering boards and commission are constantly confronted with, and it is the purpose of this paper to discuss some of the principles underlying the decisions in cases coming under these headings.

Street Accidents.—Prior to the decision of the House of Lords in the case of *Dennis* v. *White,* June 14, 1917, there was a fairly well-settled line of decisions in England in regard to street accidents, to the effect, briefly stated, that if a workman is on the public highway on his master's business and becomes injured by accident due to ordinary street hazard, such an injury is not compensable, because it could not be said that the accident arose out of his employment, or in other words, as some of the judges expressed it, it was due to risk no greater than is run by all members of the public.

One of the leading cases in which this principle of law was expounded was the famous banana skin case, *Sheldon* v. *Needham,* 7 B. W. C. C. 471, where an employer sent his servant to post a letter at a box a few yards along the street. While performing this duty, she slipped on a banana skin carelessly thrown on the sidewalk and broke her leg. For the reasons stated above it was ultimately held by the court of appeals that the employer was not liable.

The New York supreme court in the case of *Newman* v. *Newman* took the same view, and the dea seems to have been accepted in quite a number of the other States.

It was held in another English case, *Pierce* v. *Provident* (1911), 4 B. W. C. C. 242, that in order to make the employer liable in the case of street accidents employment in the streets must be practically continuous, as in the case of a canvasser or collector, the reason for drawing the distinction being thus expressed by the master of the rolls:

> As the work requires him to spend the greater part of the day on the streets he would be, in the course of his duties, beyond all doubt more exposed to the risks of the street than ordinary members of the public.

The Scottish courts, however, held a different view. As one of the judges put it:

> The risk of the road at the particular time was a risk incidental to the employment and it was none the less a risk of the employment because every pedestrian on the road at that time ran the same risk, or because the workman was facing this risk for the first or perhaps the only time.

Very early in the administration of the law in Ontario, i. e. in 1915, the board was called upon to decide this identical question. A man employed by one of the cartage agents in Toronto was sent to a harness maker's shop some few blocks away to get a horse collar which had been left there for repairs, and on the way back slipped on the sidewall and broke his arm.

Our board, while entertaining the most profound respect for the decisions of the English courts, is not bound to follow them, and the reasons as stated in the Sheldon case in regard to these street cases did not appear to us to be sound. We finally decided to adopt the view expressed by the Scottish courts and allowed the claim.

It was, you may be sure, quite interesting to note that the House of Lords a couple of years later in the case first above referred to, *Dennis* v. *White,* 10 B. W. C. C. 280, discarded the theory or rule previously laid down by the English court of appeal as applying to this type of case and adopted the view expressed by the Scottish courts.

The written judgment of Lord Chancellor Finlay in this case deals very fully with all the prior decisions of importance on this subject and refers to the reasoning of these earlier decisions as unsound and antagonistic to the terms of the statute.

I have had the opportunity of reading the written opinion of the chairman of the Nova Scotia Board, Mr. V. J. Patton, in the matter of the claims arising out of the Halifax disaster of December last. The reasoning in the case of *Dennis* v. *White* was adopted, and it was held that claims in respect to killed or injured workmen in Halifax on that occasion should be taken as coming under the provisions of the act, it being considered that the injury arose out of the employment because, by reason of the nearness of the city to the shipping in the harbor where high explosives were handled, all workmen in the city, whether engaged on the street, in the factory, or on the piers, were specially exposed to that particular danger.

Accidents While Going To or From Work.—Somewhat closely related to the problem of compensation for injuries in street accidents is that as to accidents happening while going to or from work. It is, I think, fairly generally held that after a workman leaves the employer's premises on quitting work or before he reaches the premises on going to work, he is not in the course of his employment, and an accident happening to him on the street during these periods could not be said to arise out of his employment.

The New York commission in the one case went a step farther and rejected the claim of an office employee, who on finishing her day's work took some of her employer's letters to deposit in the post office and on the way was struck by a train. The reason stated for this decision is "that she was following the same route that she would have followed if she had been going home without undertaking to mail the letters and that she was exposed to no unusual hazard due to the employment." This sounds rather like the argument formerly given effect to in England prior to the decision of the House of Lords in *Dennis* v. *White* above referred to. It seems to me such a case should turn on whether or not she was in the performance of her duties. If it was her duty to go to the post office on this message, then for the time being the hazard of the street was a hazard of her employment and her duties for her employer were not ended till she deposited the letters in the post office.

A number of cases have arisen where a workman is injured going to or from work by means of a conveyance provided by the employer. The question to be determined in all such cases is, Was it an express or implied term of the contract of service that the workman was to be carried to or from his work? It seems to be well-settled law in England that if a workman is entitled either by express or implied contract to travel in a conveyance provided by the employer he is in the course of his employment, and an accident while so traveling would be held to have arisen out of the employment even though he is not on the employer's time till the place of actual work is reached. Both California and Massachusetts have held to this effect also in cases reported from those States.

We had one case in which we allowed the claim of a workman who was injured on the steps at the entrance of the building, part of which was occupied by the employer. We held that in renting a room or suite of rooms in a building the common entrance to the building should be considered in this connection as part of the employer's premises, and the hazard of the steps was a hazard peculiar to the employer's premises.

The Supreme Court of Massachusetts held to the same effect in a case which recently came before them, *Re Sundine,* 105 N. E. 433.

The following are a few additional cases of this class which have come before the Ontario board:

Allowed—

Where a foreman of a teaming company, when quitting work in evening at sand pit, got on one of his employer's wagons to ride into town, jumped off wagon at his street intersection, and was hurt by passing auto.

Where a workman employed by a railway at terminal yards about 4 miles outside the city was killed by train which he was about to board in the city to take him to his work. Usual custom for railway to carry men to their work at his point. Board considered case arose out of employment though workman's time did not actually start till arrival at work.

Where a man going to work in a lumber yard which adjoins railway tracks was killed by passing train as he was crossing the tracks to work. Considered he had reached the ambit of his employment.

Where a man on engineer's staff going into a lumber camp from town—pay started when he left town—broke through ice and drowned.

Where a car inspector who had evidently finished his day's work three-quarters of an hour before usual quitting time came into town as per usual custom by company's train. Evidently jumped off or jerked off near station, though no one saw accident. Body found alongside track.

Where a man employed by one of the tenants of a building entered the elevator in common use by all tenants of the building, and, instead of waiting for the operator, pulled the rope him-

self and was killed. Considered that the elevator was part of the premises rented and constituted one of the hazards of the business.

Where a man employed by a cartage agent was out plowing on a farm near town for a customer. On way home from work horses ran away.

Not allowed—

Where a man had been told the night before to go down to get work at an elevator in the morning. While on the way to work along railway track near the place where he was to be employed, about 9:30 or 10 a. m., he was hurt by train.

Where a man going from work in the woods instead of taking company's bush road came out on railway track and was killed by train.

Where a railway workman on bridge work had been given a ticket home for Christmas holidays and return. On returning he jumped off the train at about the plac where his work would be and was injured. This would have saved him a walk back from the station of about a mile.

Where a man working for a railway as section man, after quitting work in evening, jumped on passing freight to go down the yard where he had hung his coat when starting work and was injured.

Where a man having met with a certain injury the day before asked leave at 11 a. m. to go two or three blocks along street to an emergency hospital to get injury dressed. This took him across railway tracks. On returning, finding a train blocking the crossing, he attempted to climb through and got foot cut off.

Injuries Due to Scuffling, Larking, or Horseplay.—There have been a variety of opinions expressed on this type of case both in England and on this continent.

It was held in the recent case (1916) of *Parsons* v. *Somerset*, 9 B. W. C. C. 532, that where a railway porter in the course of his employment met with an accident due to his getting on the footboard of a car after the train started, not for any object of his employment but purely for his own pleasure (larking with two young ladies on the train), he was not entitled to compensation.

In another case, *Wrigley* v. *Nasmythe,* where a workman who went for some purpose to a fellow workman in the shop, on parting tapped his friend on the back with a rule, and received a push in return from which he was injured, it was held by the court of appeal that the accident did not arise out of the employment.

Our board in Ontario has adopted the rule in these cases that if the injured workman is an active participant in the scuffling or horseplay, he is not entitled to compensation, but if while going about his duties he is the victim of another's prank, to which he is not in the least a party, we do not deny him compensation

I note the following cases from my records coming under this heading:

Allowed—

Where a Chinaman employed in a factory was the innocent victim of horseplay—blown up by hose.

Where a man who had been teased by another workman suddenly turned in revenge and hit an innocent party.

Where a man about to punch the time clock was hit from behind by another workman. Injured man innocent of any horseplay.

Where a man in line up for the time clock was pushed out of line by another workman, and to prevent himself from falling, as well as to save his place in the line, he grabbed the workman and his hand came in contact with a sharp knife in the latter's hand.

Not allowed—

Where, when a man splashed water over another workman. the latter in trying to avoid the water turned suddenly and, having hose in his hand, turned it on the man who first started the horseplay.

Injuries Arising Out of An Act of God or the Country's Enemies.—Under this heading about the only type of case in which the question has arisen is that due to lightning, but there have been a few cases reported during the last two or three years in England arising out of bombardments by enemy ships or airplanes.

In regard to lightning, the State boards or courts are not by any means uniform in their decisions and it can scarcely be said that there is in this country anything like a well-settled opinion.

The Supreme Court of Michigan recently held that a railway section man, who sought shelter from a storm in an adjacent barn which was struck by lightning and who was injured, was not entitled to compensation, basing this decision on the argument that the risk was not different from the risk run by other members of the community.

The Supreme Court of Wisconsin also held that where a man working on a dam was killed by lightning, it was not a case for compensation.

The Supreme Court of Minnesota, however, took an opposite view and allowed compensation to a workman who was injured by lightning while seeking shelter under a tree at the time of a storm.

In those jurisdictions where only the first of the two conditions are required—that is, injury by accident during the course of employment, omitting "arising out of, etc."—there can of course be no question, as an injury by lightning is certainly an accident and if this injury takes place during the period of work the condition is complete. I should scarcely have thought that it could be argued, where a man goes into a building or under a tree to seek temporary shelter from a storm, that he has therefore left the employment, yet this point did arise in the supreme courts of both New York and Minnesota, and it was held that thus temporarily seeking shelter was not leaving the employment but rather incidental to it.

The decisions in England in lightning cases turn on the question of special risk. Thus, for example, a steeple jack repairing a flag pole is considered to be specially exposed to the danger of lightning; likewise, a man working on the top of a high scaffold was considered exposed to special danger and compensation was allowed. But where a roadman engaged in his ordinary occupation on the highway was struck by lightning, it was held that there was no special exposure to the danger of lightning and compensation was refused.

It amounts practically to this in England, that in all lightning

cases the claimant must prove by positive evidence that the circumstances of the employment exposed the employee to a greater risk than that run by persons not so employed, or not so employed under the same conditions.

The bombardment cases in England turn on much the same point as the lightning cases, viz; the question of special risk or special exposure due to the employment.

In this connection dicta by Lord Chancellor Finlay in the *Dennis* v. *White* case above cited are of interest. He says:

> "In the case of injury by bomb thrown from hostile aircraft, the fact that workman was engaged on work on a building brilliantly lighted so as to attract the notice of enemy crews might be most material as showing that the injury by the bomb was one which arises out of the employment."

It was actually held in one case (*Allcock* v. *Rogers,* W. N., December 1917, p. 353) where a servant in a hotel whose duties were, among other things, to polish the brass name or sign plate on the outside of the building was injured by the explosion of a bomb dropped in the street a short distance away, that this did not arise out of the employment, or, in other words, that the workman was not exposed to any special risk incident to his employment.

In the famous Hartlepool case (*Cooper* v. *N. E. Ry. Co.*) the decision was similar. In that case an engineer, having left his engine to seek shelter while the bombardment was on, ventured back to open the injector in order to prevent damage to the fire box and upon returning again to shelter was injured by a bomb. It was held by the court of appeal that this injury did not arise out of his employment. As the master of the rolls expressed it:

> "The claimant must prove that he was exposed by the nature of his employment to some special or peculiar risk beyond that of other inhabitants of Hartlepool. The whole town was within range of the guns and there was no evidence or suggestion that they were directed at any particular spot."

Injuries Due to Attempted Robbery, Fighting, Assault, Murder, or Suicide.—I suppose every administering board has occasion frequently to determine cases coming under this heading, and from all the reports I have been able to read it seems quite a

generally accepted principle of law in every jurisdiction that where a workman in the discharge of his duty is assaulted either by another workman or by a stranger in attempted robbery of the employer's premises, compensation should be allowed.

A border-line case, however, arose in Massachusetts and compensation was denied. In this case a night watchman was shot by mistake by officers pursuing burglars who had committed robbery in the neighborhood and were being pursued. There was no suggestion that robbery of the premises claimant was guarding was feared, and he was not fired upon because of his employment, but clearly through mistake. The court held that the injury did not arise out of the employment.

The Supreme Court of New Jersey also refused compensation in the case of a delivery man and collector who was shot by an unknown person for an unknown cause while in the performance of his duties. There was no attempt at robbery, though claimant had money on his person and it was held that the shooting was not in any way connected with the employment.

We had a rather unusual case in Ontario about a year ago which is also close to the border line, but our board allowed the claim. A night watchman was found dead in the morning, sitting in a chair in the office of his employer, shot through the head, apparently by his own gun. There was nothing which would warrant the conclusion that it was a case of suicide, but on the contrary it seemed probable that he had been engaged in cleaning the gun though there was no positive evidence as to this. It was a case in which the board was obliged either to infer suicide or accidental discharge of the gun while cleaning it, and the latter inference seemed the proper one.

It is equally well settled, I think, that where the assault which results in the injury arises out of a dispute or quarrel purely personal to the workman and not associated with his employment, compensation should not be allowed.

The distinction may be thus illustrated: Where a foreman is assaulted and injured while trying to compel a discharged workman to leave the place of his former employment, I think that the claim should be allowed. This was an actual case in California. On the other hand, and this is a case from our own

Province, a street car conductor in resenting what he considered a personal insult directed at him by a soldier passenger abused the soldier rather badly. The latter, upon going to his camp nearby, reported the affair to his soldier companions, whereupon a number of them returned, boarded this conductor's car as it was returning and beat him up, causing severe personal injury. We held that this was a purely personal quarrel and that the injury thus sustained did not arise out of the employment.

In another case which came before us, two workmen got into a dispute over some material or tools required in connection with their work and, words finally leading to blows, one of them was quite seriously injured. The one appeared to be the least to blame of the two, yet he did actively participate in the scrap We held that the dispute was a purely personal one between these two men, and as the interests of the employer were in no way involved or concerned the injuries could not be said to have arisen out of the employment.

We also rejected a claim in a case where a boy was found dead at his place of work with a loop of rope around his neck, as the circumstances pointed to suicide rather than accident.

Injuries Due to Frostbite or Heat Strokes.—The cases coming under this heading turn upon the same consideration as the lightning and bombardment cases above noted, viz, the question of special exposure.

In the *Warner* v. *Couchman* case, decided by the House of Lords in England in 1911, a baker whose duty was to drive a bread delivery cart was frostbitten in the hand. The county court judge held that there was nothing in the employment which exposed him to more than the ordinary risk of cold to which every person working in the open air was exposed on that day and consequently the injury did not arise out of the employment. The House of Lords held that the decision of the county court judge on this question of fact was final.

Important dicta by one of the appeal court judges, however, are quoted in the House of Lords with favor as expressing the point of view with which he says judges should approach cases of this kind:

"Where we deal with natural causes affecting a considerable area, such as severe weather, we are bound to consider whether the accident arose out of the employment or was merely a consequence of the severity of the weather to which persons in the locality, whether so employed or not, were equally exposed. If it is the latter, it does not arise out of the employment because the man is not specially affected by the severity of the weather by reason of his employment."

In the case of *Dennis* v. *White,* above referred to, which reversed the old line of decisions in regard to street accidents, Lord Chancellor Finlay, in referring to frostbite and sunstroke cases as distinguished from ordinary street accidents, says:

"In such cases it is material to show that the work involves special exposure to the heat or cold. Where the risk is one shared by all men, whether in or out of the employment, in order to show that the accident arose out of the employment, it must be established that special exposure to it is involved."

In regard to heat stroke, there are two English authorities in which the principles governing these cases were fully considered —one in the House of Lords in 1908 (the *Ismay* v. *Williamson* case) and the other in the court of appeal in 1914 (*Maskery* v. *Lancashire*). These were both shipping cases. In the one a stoker was overcome with heat while trimming the fires and in the other a young man not in the best of health who had shipped as an engineer on a vessel bound for Singapore, while sailing in the southern port of the Red Sea, was overcome by heat and died.

In both cases the court held that death was due to accident arising out of the employment, and it did not affect the situation to say that the man was not robust enough to stand the tropical heat. It was sufficient to find that the work in the engine room or boiler room exposed the workman to excessive heat, which was far greater than that to which ordinary sailors whose duty does not take them into the engine room were subjected.

We had a case of frostbite in Ontario last winter which the board allowed. A railway workman was sent out with an auxiliary crew to clear a wreck—weather thirty degrees below zero. He was put at the job of flagging and was so engaged three or

four hours, with the result that his legs and feet were badly frozen. Under these circumstances it was considered accidental injury arising out of the employment.

Accidents Occurring During Moments of Leisure or While Doing Something of a Personal Nature.—Cases coming under this heading are very numerous and their decision must necessarily turn on the particular circumstances in each case. In England, as well as in all the jurisdictions on this side whose report I have had the opportunity of reading, there is quite a latitude allowed workmen in respect to moments of leisure during the course of employment. The crew of a train, for example, waiting at a switch to make a crossing; a sailor in a river boat waiting for the tide; a machine operator waiting for material which he is dependent on another workman to bring to him; a trainman having a few hours between arrival at terminal and departure on return journey—one can easily imagine a variety of cases of this type, where the workman is clearly in the course of his employment but for the time being has no duties to perform for the employer.

To quote Milton: "They also serve who only stand and wait."

The question to be asked in every such case is, Did the workman occupy those moments of leisure reasonably, having regard to all the circumstances?

If during such an interval of waiting he meets with an accident while engaged in some occupation or amusement which is unconnected with his employment, or which adds to the risk to which he would otherwise be subject, judges in the main agree that compensation should not be allowed, but what one may reasonably do, of a personal nature and which is not in conflict with specific instructions, should not be held as taking a man outside the scope of his employment for purposes of compensation in the event of accident while so occupied.

The following decisions are noted in this connection: The New Jersey Supreme Court allowed a claim where a workman was killed while crossing railway tracks near the place of his employment to the toilet in common use by workmen in the employer's service. The Supreme Court of Massachusetts held that

a compositor who went out on the roof on a hot night for fresh air and was injured by making a misstep was entitled to compensation. The California commission went so far as to hold that a cook was entitled to compensation, where he left the kitchen to smoke for a time on the adjoining porch, and on attempting to return opened the wrong door and fell downstairs.

There is one decision, however, reported from Iowa, which I think is carrying the idea of personal liberty at the expense of the employer too far. In that case a workman was allowed compensation who undertook to light his pipe while his hands were moist with gasoline, with which he had been cleaning clothing.

We have had a variety of these personal and leisure-moment cases before our board, quite a number of them arising out of accidents occurring to workmen while remaining on the employer's premises during the luncheon hour.

I note among them the following:

Allowed—

Where a woman worker boiled water for tea on a gas jet near her work and it boiled over or was knocked over causing injury.

Where a boy, 14, working in a planing mill, being desirous of fixing up a small block of wood for his own use, took it to a saw to cut it to the desired shape and got his thumb cut off.

Where a scavenger, working for city, found two electric bulbs in garbage and out of curiosity cracked them together and lost an eye.

Where a section man, who had gone into city on his speeder to get his pay check, was found dead on the track, evidently run down by train on way home.

Where a workman being dusted off by another workman, by means of air hose, gets an internal charge and dies of peritonitis.

Where a workman paid 50 cents a week extra to engage in fire drill for the employers' voluntary fire department was injured while so drilling.

Where a boy employed on a vessel having some leisure time while the vessel is tied up at a certain wharf, in chasing a rat which appears on the wharf, trips into the water and is drowned.

Where a laborer engaged in certain building work went into the shop or tool house to take shelter from a storm, and while

there undertook to sharpen a fellow workman's chisel. When done, went to turn off switch, and was electrocuted.

Where a man on quitting work went to boiler for a pail of water with which to wash, slipped, and scalded himself.

Where a man in a mill having a moment of leisure went to another part of the plant to pay a small board bill to a fellow workman and was injured.

Not allowed—

Where a man, seeing an adjoining machine idle and being curious to know how it works, attempted to operate it and got his thumb cut off.

Where a workman sleeping at noon hour on employer's premises, took a fit and rolled against a hot steam pipe.

Where a boy went out of his way to grind his jack knife on a machine where he had no business to be and was injured.

Where a man working on repairs on a ship, whose living quarters were on the ship, left his boat in the evening to spend the evening visiting his brother on another vessel alongside, owned by the same company, and was injured while leaving this other vessel late at night.

Where a workman taking a bath on employer's premises (a cordite factory) fell against hot pipes. It was alleged that it was necessary to take a bath every day in this work to keep in condition. Considered personal business.

Where a workman brought a bottle of ginger ale as part of his lunch and in opening it the stopper flew up and hit him in the eye.

Where a young man, after eating his lunch on the premises, climbed out on the roof of the building and, finding himself slipping, grabbed a wire within his reach. This sagged his weight, and then he grabbed another, thus creating a circuit, and he was electrocuted.

Camp Accidents.—Owing to the extensive lumbering and mining operations carried on in our Province, we are frequently called upon to deal with claims coming under this heading.

I refer especially to such as may happen to a workman after working hours. It is well understood, of course, that in most of

these operations the men spend the whole of the twenty-four hours on what may be termed the employer's premises.

Practically the same principle is involved in this type of case as in the noon-hour accident cases above noted.

We allowed the claim of one man in a river driving camp who after supper went to his tent; while lying on his blanket on the floor reading another workman came in and accidentally stepped on claimant's hand, inflicting a wound which became septic, with quite serious results. We considered that the accident, properly speaking, arose out of the employment.

We allowed another claim where a workman in walking from the dining camp to the sleeping camp slipped on the ice and broke his leg; also another claim where a workman slipped on the steps of the cook house where large building operations were going on for an aviation camp.

In a border-line case, the claim was allowed where a workman was hired to go to work on a boat next morning. He actually came on board that night and slept on the boat, but was badly hurt next morning before his duties actually began.

On the other hand, where a workman was injured by slipping on an icy path leading from the works to his own house, which was on employer's premises, claim was disallowed.

It follows, of course, that workmen injured on the employer's roads leading from the woods to the camp are considered in the course of their employment and in a few cases claims have been allowed for accidental injuries under such circumstances.

The California Commission allowed a claim where a workman was injured by falling from a log on the road while coming with others into camp from the woods, but the decision seems to have been put on the ground in that case that these men were allowed time to return to camp from their place of work.